

## TRANSPORTATION DEPARTMENT[761]

### Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Department of Transportation hereby gives Notice of Intended Action to amend Chapter 130, "Signing Manual," Iowa Administrative Code.

Iowa Code section 321.252 requires the Department to adopt a manual and specifications for a uniform system of traffic control devices for use upon highways within this state.

This rule making replaces the Manual on Uniform Traffic Control Devices, 2003 Edition, including Revision No. 1, with the 2009 Edition. The Manual on Uniform Traffic Control Devices (MUTCD) is issued by the Federal Highway Administration (FHWA) under 23 CFR Part 655, Subpart F. The FHWA's final rule adopting the 2009 Edition of the MUTCD was published in the Federal Register on December 16, 2009 (pages 66730-66863). The FHWA's Web site <http://mutcd.fhwa.dot.gov> contains the 2009 Edition of the MUTCD and information regarding changes from the 2003 Edition.

Iowa Code section 321.249 requires traffic control devices provided for school zones to conform to specifications included in the MUTCD adopted by the Department, except the provision prohibiting the use of portable or part-time stop signs.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to the Department of Transportation, Office of Policy and Legislative Services, 800 Lincoln Way, Ames, Iowa 50010; fax (515)817-6511; Internet E-mail address: [steven.bowman@dot.iowa.gov](mailto:steven.bowman@dot.iowa.gov).
5. Be received by the Office of Policy and Legislative Services no later than January 4, 2011.

A meeting to hear requested oral presentations is scheduled for Thursday, January 6, 2011, at 10 a.m. in the First Floor South Conference Room at the Iowa Department of Transportation located at 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.

These amendments are intended to implement Iowa Code sections 321.249 and 321.252.

Proposed rule-making actions:

ITEM 1. Amend rule 761—130.1(321), introductory paragraph, as follows:

**761—130.1(321) Manual.** The "Manual on Uniform Traffic Control Devices" (MUTCD), ~~2003~~ 2009 Edition ~~including Revision No. 1 dated November 2004~~ dated December 2009, published by the U.S. Department of Transportation, Federal Highway Administration, shall constitute the manual and specifications for a uniform system of traffic control devices for use upon the highways of this state.

ITEM 2. Amend subrule 130.1(1) as follows:

**130.1(1)** The department makes the following exception to the MUTCD for school zones: In Part 2, Section ~~2B.05~~ 2B.04, paragraph 12, of the MUTCD, ~~STOP Sign Applications~~ Right-of-Way at Intersections, Standard, in lieu of the sentence "Portable or part-time STOP or YIELD signs shall not be used except for emergency and temporary traffic control zone purposes," the department adopts the following: "Portable or part-time STOP signs may be used only in the following situations:

- “1. When necessary for emergency and temporary traffic control zone purposes, or
- “2. In school zones at appropriate school crosswalks.”

ITEM 3. Renumber subrule **130.1(2)** as **130.1(4)**.

ITEM 4. Adopt the following new subrules 130.1(2) and 130.1(3):

**130.1(2)** The department makes the following exception to the MUTCD, Section 1A.09, Engineering Study and Engineering Judgment: Add the following paragraphs to the Guidance section prior to paragraph 03:

“The decision to use a particular device at a particular location should be made on the basis of either an engineering study or the application of engineering judgment. While the MUTCD provides standards, guidance, and options for design and application of traffic control devices, the MUTCD should not be considered a substitute for engineering judgment.

“Engineering judgment should be exercised in the selection and application of traffic control devices, as well as in the location and design of the roads and streets that the devices complement.”

**130.1(3)** The department makes the following exception to the MUTCD, Section 1A.13, Definitions of Headings, Words, and Phrases in this Manual, paragraph 01, definition of “Standard,” to read as shown:

“A. Standard—a statement of required, mandatory, or specifically prohibitive practice regarding a traffic control device. All Standard statements are labeled, and the text appears in bold type. The verb ‘shall’ is typically used. The verbs ‘should’ and ‘may’ are not used in Standard statements. Standard statements are sometimes modified by Options.”